



Entered on Docket
July 30, 2010

Bruce A. Markell

Hon. Bruce A. Markell
United States Bankruptcy Judge

WILDE & ASSOCIATES
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Las Vegas, Nevada 89107
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The Bank of New York Mellon, fka The Bank of New York as Successor in interest to JPMorgan Chase Bank, NA as Trustee for Structured Asset Mortgage Investments II Inc. Bear Stearns ALT-A Trust 2005-4, Mortgage Pass-Through Certificates, Series 2005-4 09-72058

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In Re:

Juan Gonzalez and Adrienne Gonzalez

Debtors.

BK-S-09-14668-bam

MS Motion No. 74
Date: July 9, 2010
Time: 1:30 p.m.

Chapter 13

ORDER RE ADEQUATE PROTECTION

Secured Creditor's Motion for Relief from the Automatic Stay having come on for hearing in the above-entitled Court, all appearances as noted on court record, and based upon all the papers and pleadings on file herein and good cause appearing therefore.

1 IT IS HEREBY ORDERED, ADJUDGED and DECREED that the debtors will cure the
2 post-petition arrearages currently due as follows:

| | | |
|----|----------------------------------|--------------|
| 3 | 5 Monthly Payments at \$1,638.23 | \$8,191.15 |
| 4 | (March 1, 2010 - July 1, 2010) | |
| 5 | 4 Late Charges at \$72.69 | \$290.76 |
| 6 | (March 1, 2010 - June 1, 2010) | |
| 7 | Motion for Relief Filing Fee | \$150.00 |
| 8 | Attorneys Fees | \$750.00 |
| 9 | Suspense Amount | (\$2,523.56) |
| 10 | Total | \$6,858.35 |

11 The total arrearage shall be paid in six monthly installments. Payments one
12 through five (1-5) in the amount of \$1,143.06 shall be in addition to the regular monthly payment
13 and shall be due on or before the 20th day of the month commencing with the August 20, 2010
14 payment and continuing throughout and concluding on or before December 20, 2010. The sixth
15 final payment in the amount of \$1,143.05 shall be paid on or before January 20, 2011.

16 IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Secured Creditor
17 shall give Debtors at least five business days' notice of the time, place and date of sale.

18 IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Debtors shall resume
19 and maintain the regular monthly payments in a timely fashion, outside of any Bankruptcy Plan,
20 beginning with the August 1, 2010 payment. on Secured Creditor's Trust obligation, encumbering
21 the subject Property, generally described as 3354 Mountain Bluebird St. , Las Vegas, NV 89117,
22 and legally described as follows:

23 Lot Two Hundred Thirty-Four (234) in Block "E" of LEWIS HOMES - PINERIDGE
24 CROSSING NO. 43, as shown by Map thereof on file in Book 65 of Plats, page 84, in the
25 office of the County Recorder of Clark County, Nevada.


26 IT IS FURTHER ORDERED, ADJUDGED and DECREED that if the Debtors fail to make
any payments as stated in this Order, or fail to maintain the regular monthly payments on Secured
Creditor's Trust Deed obligation, allowing the normal grace period, then Secured Creditor may file
and serve upon Debtors and Debtors' counsel, a fifteen (15) Day Notice Declaration Re Breach of
Condition. For each such Declaration Re Breach of Condition filed, there shall be assessed an
attorney fees of \$100.00, to be paid by the Debtors upon any reinstatement. If upon the sixteenth
(16th) day Debtors have failed to cure the delinquency, then Secured Creditor may submit to this
Court an Order vacating the automatic stay as to Secured Creditor, and Secured Creditor may

1 thereafter proceed with foreclosure proceedings upon the subject Property, pursuant to applicable
2 State Law, and take any action necessary to obtain complete possession thereof.

3
4 Submitted by:

5 WILDE & ASSOCIATES

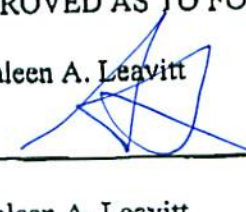
6
7 By

8 
9 GREGORY L. WILDE, ESQ.
Attorneys for Secured Creditor
212 South Jones Boulevard
Las Vegas, Nevada 89107

10 APPROVED AS TO FORM & CONTENT:

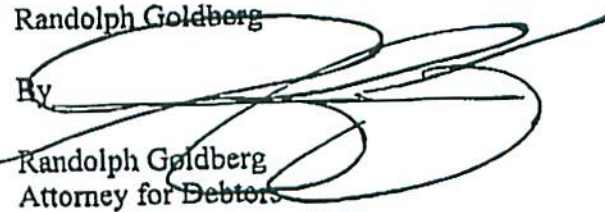
11 Kathleen A. Leavitt

12 By

13 
14 Kathleen A. Leavitt
Chapter 13 Trustee
201 Las Vegas Blvd. So., #200
15 Las Vegas, NV 89101

Randolph Goldberg

16 By

17 
18 Randolph Goldberg
Attorney for Debtors
4000 S. Eastern Ave., #200
19 Las Vegas, NV 89119

20 Nevada Bar No. 10972
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1 In accordance with Local Rule 9021, the undersigned counsel certifies as follows (check one):

2 ☐ The court waived the requirements of LR 9021.

3 ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.

4 ☐ No parties appeared or filed written objections, and the trustee is the movant.

5 ☒ This is a chapter 7 or 13 case, and either with the motion, or at the hearing, I have delivered a
6 copy of this proposed order to all counsel who appeared at the hearing, and any trustee
7 appointed in this case, any unrepresented parties who appeared at the hearing, and each has
8 approved or disapproved the order, or failed to respond, as indicated below:

9 Debtor's counsel:

10 ☒ approved the form of this order ☐ disapproved the form of this order

11 ☐ waived the right to review the order and/or ☐ failed to respond to the document

12 ☐ appeared at the hearing, waived the right to review the order

13 ☐ matter unopposed, did not appear at the hearing, waived the right to review the order

14 Trustee:

15 ☒ approved the form of this order ☐ disapproved the form of this order

16 ☐ waived the right to review the order and/or ☐ failed to respond to the document

17 ☐ This is a chapter 9, 11, or 15 case, and I have delivered a copy of this proposed order to all
18 counsel who appeared at the hearing, and any trustee appointed in this case any unrepresented
19 parties who appeared at the hearing, and each has approved or disapproved the order, or failed to
20 respond, as indicated below.

21 Debtor's counsel:

22 ☐ approved the form of this order ☐ disapproved the form of this order

23 ☐ waived the right to review the order and/or ☐ failed to respond to the document

24 ☐ appeared at the hearing, waived the right to review the order

25 ☐ matter unopposed, did not appear at the hearing, waived the right to review the order

26 Trustee:

☐ approved the form of this order ☐ disapproved the form of this order

☐ waived the right to review the order and/or ☐ failed to respond to the document

☐ I certify that I have served a copy of this order with the motion, and no parties appeared or filed
written objection.

Submitted by:

/s/ Gregory L. Wilde, Esq.

Gregory L. Wilde, Esq.

Attorney for Secured Creditor